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TIM TOTH

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TIM TOTH,

Plaintiff,

vs.

STEPHENS AND MICHAELS  
ASSOCIATES, INC.; and DOES 1-10,  
inclusive,

Defendants.

Case No.: 2:13-cv-00372-GMN-VCF

**DISCOVERY PLAN AND  
PROPOSED SCHEDULING ORDER**

Plaintiff TIM TOTH and Defendant STEPHENS AND MICHAELS  
ASSOCIATES, INC. ("STEPHENS & MICHAELS"), by and through their counsel  
of record, hereby submit their stipulated Discovery Plan and Scheduling Order  
pursuant to Federal Rule of Civil Procedure 16 and 26, as well as Local Rule 16 and

26. It is hereby requested that the Court enter the following discovery plan and scheduling order:

**1. Discovery Plan:**

Discovery Cut-Off	<b>9/25/2013</b> (180 days from the date Defendant filed its Answer, 03/29/2013)
Deadline to Amend Pleadings	<b>7/27/2013</b> (60 days prior to the close of discovery)
Deadline to Disclose Initial Expert	<b>7/27/2013</b> (60 days prior to Disclosures the close of discovery)
Deadline to Disclose Rebuttal Expert Disclosures	<b>8/26/2013</b> (30 days after the Initial Disclosure of Experts)
Deadline to File Dispositive Motions	<b>10/25/2013</b> (30 days after the close of discovery)

**2. Interim Status Report:** The parties shall file the interim status report required by LR 26-3 no later than **7/27/2013** or sixty (60) days prior to the close of discovery.

**3. Pre-Trial Order:** The parties shall file a joint pretrial order no later than **11/24/2013** or thirty (30) days after the date set for filing dispositive motions. In the event that parties file dispositive motions, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision on the dispositive motions or

1 further order of the Court. The disclosure required by Federal Rule of Civil Procedure  
2 26(a)(3) and objections thereto shall be made in the pre-trial order.  
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4 **4. Initial Disclosures:** The parties shall make initial disclosures on or before  
5 **5/28/2013**. Any party seeking damages shall comply Federal Rules of Civil  
6 Procedures 26(a)(1)(A)(iii).  
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8 **5. Extension of Discovery Deadline:** Requests to extend the discovery  
9 deadline set forth in this Discovery Plan and Scheduling Order must be filed with the  
10 Court no later than **9/05/2013** or twenty (20) days prior to the close of discovery. Any  
11 extension of the discovery deadline will not be allowed without a showing of good  
12 cause as to why all discovery was not completed within the time allotted. All motions  
13 or stipulations to extend discovery shall be received by the Court at least **twenty-one**  
14 **(21) days** prior to the date fixed for completion of discovery or at least **twenty-one**  
15 **(21) days** prior to the expiration of any extension thereof that may have been  
16 approved by the Court. The motion or stipulation shall include:  
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- 21 a. A statement specifying the discovery completed by the parties as of the  
22 date of the motion or stipulation;
- 23 b. A specific description of the discovery which remains to be completed;
- 24 c. The reasons why such remaining discovery was not completed within the  
25 time limit of the existing discovery deadline; and,
- 26 d. A proposed schedule for the completion of all remaining discovery.  
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1 It is not good cause for a later request to extend discovery that the parties  
2 informally postponed discovery. No stipulations are effective until approved by the  
3 Court, and any stipulation that would interfere with any time set for completion of  
4 discovery, for hearing of a motion, or for trial, may be made only with approval of the  
5 Court pursuant to LR 7-1(b).  
6

7  
8 Dated April 4, 2013

9  
10 /s/ George Haines, Esq.  
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14 Attorneys for Plaintiff  
15 ***TIM TOTH***

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Attorneys for Defendant  
***STEPHENS AND MICHAELS  
ASSOCIATES, INC.***

16  
17 **SCHEDULING ORDER**  
18

19 The above-set stipulated Discovery Plan of the parties shall be the Scheduling  
20 Order for this action pursuant to Federal Rule of Civil Procedure 16(b) and Local  
21 Rule 16.  
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23 IT IS SO ORDERED

24  
25 \_\_\_\_\_  
United States Magistrate Judge

26 Dated: \_\_\_\_\_  
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